

REMARKS

Double Patenting

The examiner provisionally rejected claims 1-20 under 35 U.S.C. 101 as claiming the same invention as claims in Applicant's co-pending applications. The examiner stated:

Claims 1-20 of this application conflict with claims 1-23 of Application No. 10/735,595, claims 1-26 of Application No. 10/734,618, claims 1-21 of Application No. 10/734,616, and claims 1-20 of Application No. 10/734,617. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Co-pending Applications No. 10/735,595, 10/734,618, 10/734,616, 10/734,617 are commonly owned. Applicant's will consider whether a terminal disclaimer is warranted upon an indication of allowable subject matter.

35 U.S.C. § 103

The examiner rejected Claims 1-4, 7-10, and 13-17 under 35 U.S.C. 103(a), as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy). The examiner stated:

Regarding claims 1, 9, and 15 Abbasi discloses a virtual encounter system and method comprising, a mannequin having life-like features, the mannequin further comprising: a simulated human body part 55; a camera 35a-b coupled to the body for sending video signals to a communications network 30; and a microphone 40a-b coupled to the body for sending audio signals over the communications network; a display to render the video signals received from the camera and a transducer to transduce the audio signals received from the microphone (See Col. 2, lines 54-67). Abbasi discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a video display in the form of goggles. However, it is the examiner's position that providing a head mounted display is old and well known in a virtual reality environment. In addition, Choy teaches a virtual reality system wherein users are provided with their own headsets for displaying images and sound (See Choy, Col. 3, lines 1-6, lines 41-45; Fig. 1, headset output) to provide images of a person with whom the user wishes to fantasize. In view of Choy, it would have been obvious to one of ordinary skill in the art to modify the display described in Abbasi, by providing a head mounted display/goggles in order to enhance the

reality of a virtual environment by allowing a user to fantasize about a person displayed in the headset display. (emphasis added)

Applicant has amended claim 1 to define the features therein with greater particularity. Claim 1, as amended, is directed to “a virtual encounter system comprises a mannequin...and a set of goggles including a display to render ... video ... and a transducer to transduce... audio ... the respective video and audio signals at least partially reflect the mannequin’s surrounding views and sound in real-time.”

Neither Abbasi nor Choy describes or suggests “the respective video and audio signals at least partially reflect the mannequin’s surrounding views and sound in real-time.”

Because it has been acknowledged in the Office Action that Abbasi fails to disclose the feature of providing a video display in the form of goggles, Abbasi would not made obvious that the respective video and audio signals (rendered on the set of goggles) at least partially reflect the mannequin’s surrounding views and sound in real-time.

Further, the Examiner relies on Choy at Col. 3, lines 1-6, lines 41-45 (reproduced below) and Fig. 1 to describe or suggest a virtual reality system wherein users are provided with their own headsets for displaying images and sound. In particular, in “Response to Arguments”, the Examiner argues Choy at Col. 3, lines 41-45 has been cited to teach this feature of providing a video and audio using a head mounted display.

Embodiments of the present invention are also able to be used where instead of the mannequin or doll a sexual partner is used and each of the users can have their own headsets and for example, can be provided with images of selected movie stars or the image of any person with whom the user wishes to fantasize. (Col. 3, lines 1-6)

A suitable commercially available headset is envisaged. The headset should have tracking ability with six degrees of freedom, communicate through a radio frequency link, be lightweight, provide stereo audio and crisp images. One example is a Kaiser XL50 headset. (Col. 3, lines 41-45)

Applicant contends that the portions pointed by the Examiner in Choy, or the reference in its entirety, do not cure the foregoing deficiencies of Abbasi. Without conceding the Examiner’s position, in order to expedite the prosecution Applicant has amended the claims to further differentiate the subject application from Choy. Although the headset in Choy may have the ability to provide video and audio signals, Choy indeed explicitly states these signals are selected from a database. For example, in this regard, Choy at Col. 1, lines 46-51 reads:

... the apparatus being adapted for connection to a computer based drive system to provide a scenario for audio and visual outputs which is selected from a database and advances in a manner corresponding to user movements and engagement with the tactile system. (emphasis added)

For another example, Choy at Col. 1 line 63 to Col.2, line 3 reads:

Preferably the apparatus is used with a head mounted display system and a movement and position sensing device applied to a critical part of parts of the body of the user. For example, the sensing device could be in the form of a digital glove type device which fits over the hand or the back of the hand of the user and from an initial position tracks movement and causes visual images and corresponding sounds to be selected from the database in a corresponding manner. (emphasis added)

As Applicant explained in the previous reply to the Office Action, Choy further describes how to generate and display both video and audio on a headset at Col. 8, lines 53-63, which is reproduced below:

To provide a database of images photographic or video recording is made of a variety of scenes (sex or otherwise) each with a blue background so that this can be superimposed on selected backgrounds such as landscape. Frame by Frame processing is then conducted to create library of sex positions.

To provide suitable audio output a recording is made of phrases and words which are stored in 10-bit quality on a database and the reproduction of such phrases and words will be linked to corresponding movement of the characters mouth muscles.

In Choy, the mannequin or doll or part thereof bears appropriate sensors that are connected to a control system to advance the audio and visual outputs in a database corresponding to user movement or manipulation of the mannequin or doll (see, e.g., Col. 2, lines 15-19). In a user-user scenario described by Choy, a wireless communication network is used to track all the user motions to control their respective animated avatars (representative of himself/herself) in virtual reality (see, e.g., Col. 9, lines 6-13 and Col. 9, line 65 to Col. 10, line 6). However, Choy does not teach using a headset that communicates through a radio frequency link and provides stereo audio and video images, because Choy develops a database to store the three-dimensional scanned images of head and body and then mesh them onto a database of a standard human movement. As such, the captured motion data from sensors disposed on an object (i.e., the mannequin or a human user) can be translated into the animation in the database and subsequently displayed on the headset. This is the rationale for Applicant's previous argument as to Choy fails to disclose rendering electrical signals representative of video received

from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network.

Although Applicant believes that claim 1, in its original form, was distinct over any purported combination of Abbasi and Choy, Applicant further amended the claim to recite "the respective video and audio signals (rendered on the set of goggles) at least partially reflect the mannequin's surrounding views and sound in real-time", to clearly distinguish over the video and audio stored in a database disclosed by Choy.

Accordingly, claims 9 and 15 are allowable at least for the reasons discussed in claim 1.

The examiner rejected Claims 5-6, 11-12 and 18-20 under 35 U.S.C. 103(a), as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), further in view of Gutierrez (USPN 5,111,290).

Claim 5 further limits claim 1 and requires that the mannequin body includes an eye socket and the camera is positioned in the eye socket and claim 6 requires that the mannequin body includes an ear canal and the microphone is positioned within the ear canal. The examiner argues that:

The combination of Abbasi and Choy discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claims 5, 11, 18, 20) positioning the camera in the eye socket of the body; (as per claims 6, 12, 19, and 20) positioning the microphone in an ear canal of the simulated body. However, Gutierrez teaches a virtual mannequin comprising a video camera concealed in the eye socket of the mannequin (Col. 1, lines 57-65). In view of Gutierrez, it would have been obvious to one of ordinary skill in the art to modify the placement of the mannequin camera and microphone described in the combination of Abbasi and Choy, by concealing them within the mannequin and thereby avoiding the unattractive appearance of the camera and microphone.

Claims 5-6, 11-12 and 18-20 depend directly or indirectly from their respective base claims 1, 9 and 15. Gutierrez is not understood to remedy the foregoing deficiencies of Abbasi and Choy, because Gutierrez fails to describe or suggest "a set of goggles including a display to render ... video received from the communications network and a transducer to transduce ... audio received from the communications network, the respective video and audio signals at least partially reflect the mannequin's surrounding views and sound in real-time."

Therefore, Applicant's claims 5-6, 11-12 and 18-20 are allowable over the references.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Any circumstance in which the Applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

In view of the foregoing, Applicant respectfully requests entry of the amendment since it addresses specific objections first raised by the examiner in the instant office action, does not require any further consideration or search. Accordingly, Applicant submits that the application is in condition for allowance and such action is respectfully requested at the examiner's earliest convenience.

Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

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